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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,247	12/14/2005	Hirokazu Ooe	2936-0241PUS1	5978
2292 7590 10/09/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
CORMIER, DAVID G				
ART UNIT		PAPER NUMBER		
1792				
NOTIFICATION DATE		DELIVERY MODE		
10/09/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/535,247

Applicant(s)

OOE ET AL.

Examiner

DAVID CORMIER

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 5, 7, 8, 10, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 7, 8, 10, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 09/08/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 08, 2009 has been entered.

Response to Arguments/Amendments

2. The rejection of Claims 1, 4, 5, 7 and 16 under 35 U.S.C. 102(b) as being anticipated by Ando et al. (JP 2001-276484), made of record in the Office action mailed June 08, 2009, has been withdrawn in response to Applicant's amendments filed August 08, 2009.
3. The rejection of Claims 8, 10 and 17 under 35 U.S.C. 103(a) as being unpatentable over Hird (WO 01/71084) in view of Ando et al. (JP 2001-276484), made of record in the Office action mailed June 08, 2009, has been withdrawn in response to Applicant's amendments filed August 08, 2009.
4. Applicant has amended the claims to include further structural and functional limitations directed to a control unit. Applicant has also further functionally defined the

unbalance correcting portion. In view of these amendments, a new grounds of rejection is made.

Information Disclosure Statement

5. The Information Disclosure Statement filed September 08, 2009 has been considered. The following references have been considered in previously filed Information Disclosure Statements and have been crossed out to avoid duplicate citations: WO 2004/003280-A1 in the IDS filed October 23, 2007; JP 2002-113288-A in the IDS filed December 14, 2005; and JP S56-069372-U in the IDS filed August 08, 2007.

Claim Objections

6. Claim 17 is objected to because of the following informalities: the phrase "controls the information portion to give" appears to be a typo and should read "controls the informing portion to give." If this is not a typo, then the "information portion" would lack proper antecedent basis. Appropriate correction is required

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. Claims 1, 4, 5, 7, 8, 10, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto (US 5,743,115) in view of Ando et al. (JP 2001-276484) and Spriggs et al. (US 5,873,268).

9. Claims 1, 4, 5, 7 and 16 require a washer having the following structure: a washing tub; a metal ion adding portion; a treatment substance adding portion; a water flow controlling portion; and a control unit that controls the metal ion adding portion; the treatment substance adding portion; the water flow controlling portion; and an agitator (which is implied by the swirl periods). Claims 8, 10 and 17 require a washer having: a washing tub; a metal ion adding portion; an unbalance detecting portion; an unbalance correcting portion that corrects imbalance by agitating inside the washing tub; and a control unit. Additionally, Claim 17 requires the structure of an informing portion.

10. Regarding Claims 1, 4, 5, 7 and 16, Hashimoto discloses a washing machine comprising: a washing tub (4); a water flow controlling portion (water supply system, 22, water guide, 19, and water supply valve, 21); and a control unit that controls all aspects of washing (26; col. 5, line 26-52); and an agitator (5).

11. Hashimoto does not expressly disclose a metal ion adding portion and a control unit that controls it.

12. Ando discloses a metal ion adding portion (B), which is added to a rinsing cycle such that particles adhere to clothing and impart an antibacterial effect to the clothing (machine translation paragraphs 4 and 5). The metal ion adding portion is also controlled by a control unit (240; machine translation paragraphs 23-35).

13. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hashimoto, as taught by Ando, and to have a computer controlled metal ion adding portion to supply metal ions to the laundry. One would have been

motivated to do so in order to produce the beneficial, and predictable, result of sterilizing clothing.

14. Hashimoto in view of Ando does not expressly disclose a treatment substance adding portion and a control unit for controlling it.

15. Spriggs discloses a washing machine (106) with a treatment substance dispenser (100) and a controller (202) for controlling the treatment substance dispensing system (Figure 11).

16. Because it is known in the art to have a computer controlled treatment substance adding portion, and the results of the modification would be predictable, namely, an effective way of dispensing detergents, softeners and bleaches, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a computer controlled treatment substance dispenser.

17. The further limitations of Claims 1, 4, 5, 7 and 16 are considered to be intended use of the washing machine as taught by Hashimoto in view of Ando and Spriggs and are not further limiting in so far as the structure of the apparatus is concerned. The claimed intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. For example, the apparatus of Hashimoto in view of Ando and Spriggs is capable of adding metal ions to water and having mild and powerful swirl periods.

18. Claims 8, 10 and 17 are considered to be taught by Hashimoto in view of Ando and Spriggs as applied above. Regarding Claims 8 and 10, Hashimoto discloses an unbalance detecting portion (29) and an unbalance correcting portion (reads on the

agitator, 5). Regarding Claim 17, Hashimoto discloses numerous indicators (see Figure 2), any of which can be used as claimed. Nevertheless, it would have also been obvious to one of ordinary skill in the art to add extra indicators to alert a user of various machine states. The further limitations of Claims 8, 10 and 17 are considered to be intended use of the washing machine as taught by Hashimoto in view of Ando and Spriggs and are not further limiting in so far as the structure of the apparatus is concerned.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID CORMIER whose telephone number is (571) 270-7386. The examiner can normally be reached on Monday - Thursday 8:30 - 6:00.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art
Unit 1792

/DGC/
David Cormier
10/02/2009